

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

UNITED STATES OF AMERICA	* CRIMINAL NO. 6:17-cr-00183
	* 18 U.S.C. § 1343
VERSUS	*
	* JUDGE FOOTE
RICHARD WALTER BOREK, JR.	* MAGISTRATE JUDGE HANNA

BILL OF INFORMATION

THE UNITED STATES CHARGES:

COUNT 1

WIRE FRAUD

18 U.S.C. § 1343

INTRODUCTION

Sunland Construction, Inc. (hereinafter "Sunland") is a pipeline construction company operating in Eunice, Louisiana, within the Western District of Louisiana, and elsewhere. The defendant, Richard Walter Borek, Jr. (hereinafter "Borek"), was employed as an Information Technology (IT) Manager from on or about May of 2012, until August of 2016. As part of Borek's duties and responsibilities as IT manager, he had authority to procure electronic equipment and services to ensure Sunland employees could communicate and work effectively. These duties included, but were not limited to, procurement of computers, tablets and cellular phones, as well as the

procurement of web hosting, internet and network services on behalf of Sunland and using Sunland business account with various vendors.

THE SCHEME

From on or about a date unknown, but no earlier than June 1, 2012, and continuing until on or about August 29, 2016, the defendant, Borek, devised and intended to devise a scheme to defraud Sunland, and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises.

MANNER AND MEANS

It was part of the scheme that:

- a. Borek used his procurement authority to order cellular telephones and tablets that Sunland employees did not need. The cellular phones and tablets were ordered using Sunland accounts, and many devices came with contracts for cellular services which were also billed to Sunland accounts. The cellular phones were received by Borek at Sunland in Eunice, Louisiana. Borek took the phones and sold them to an online cellular phone purchaser, IBS Wireless (hereinafter "IBS"). Once IBS agreed to purchase the phones, Borek shipped the phones to IBS and IBS paid Borek personally by submitting funds to Borek's personal PayPal account. Borek ordered and sold Sunland phones and tablets in

this manner numerous times over the years, and received approximately \$1,700,000.00 to his personal PayPal account, which Borek converted to his personal use.

- b. Borek created a shell company called Statix Enterprises, LLC (hereinafter "Statix"), in order to falsely and fictitiously bill Sunland for services not rendered. As IT Manager, Borek was allowed to procure services and equipment to host Sunland's internet and network sites, and AT&T legitimately and lawfully provided these web hosting related services. However, Borek created false invoices from Statix as if Statix provided web services and computer equipment, causing Sunland to be double-billed. Sunland's accounting department paid the Statix invoices as requested by Borek, and Borek received the payments totaling approximately \$236,234.14, and converted the money to personal use.

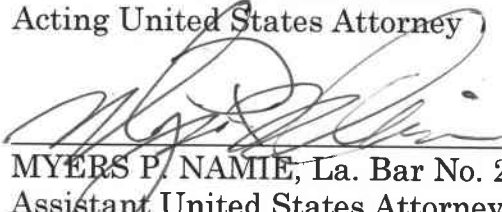
THE OFFENSE

On or about the 27th day of July, 2016, in the Western District of Louisiana, and elsewhere, the defendant, **RICHARD BOREK**, for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce signals and sounds related to the transfer of \$32,100.00, among other transfers, from IBS Wireless located in the State of New York, to the defendant's personal PayPal account whose servers are located in California, Arizona

and Utah, and the funds were used by the defendant while located in the Western District of Louisiana, all in violation of Section 1343 of Title 18 of the United States Code [18 U.S.C. § 1343].

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By:



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